

James Alan Bush
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San Jose, CA 95126
(408) 982-3272

Plaintiff in pro per

FILED

2008 MAY 16 P 2 30

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

James Alan Bush,)	Case No.: C 08-01354 (RS) JF
)	
Petitioner,)	EXHIBIT B
)	
v.)	SUNNYVALE DEPARTMENT OF PUBLIC
)	SAFETY SUPPLEMENTAL REPORT 06-5149
Crime Scene Investigator James)	
Anton, Officer Benjamin Holt,)	
Lieutenant Carl Rushmeyer,)	Judge Jeremy Fogel
Lieutenant Vierra, Officer Jon)	
Marines, Officer Christopher)	
Fontaine, Officer Michael (aka)	
"Mick") Rose, Officer Devon)	
Klein, and Sunnyvale Department)	
of Public Safety,)	
)	
- and -)	
)	
Long (aka "Kevin") Cao, Daniel)	
Napolitan, Daniel Cortez,)	
Laurene Weber, Robert Bradford)	
(aka "Malnburg, Jr."), Jonathan)	
Harrington, Josh Williams,)	
)	
Respondents.)	
)	

Incident Report

Sunnyvale Police Department

06-5149

Supplement No
ORIG

Address
700 All America Way
City, State Zip Code
SUNNYVALE, CA 94086

Reported Date
05/18/2006
Nature of Call
148 (A) (1)
Officer
HOLT, BENJAMIN

Phone Number
(408) 730-7100
Fax Number
(408) 730-7700

Sunnyvale Public Safety
CONTROLLED DOCUMENT
NOT TO BE DUPLICATED

Administrative Information

Agency Sunnyvale Police Department	Report No 06-5149	Supplement No ORIG	Reported Date 05/18/2006	Reported Time 03:49
Incident No 061380041	Status C CLEARED BY ARREST	Nature of Call 148 (A) (1) PC OBSTRUCT/RESIST PUB OFCR		
Location 1220 TASMAN DR #379	City SUNNYVALE	Rep Dist 22 /	Area 2	Beat 2
From Date 05/18/2006	From Time 03:49	Officer 14954/HOLT, BENJAMIN	Assignment PA6	Entered by 14954
RMS Transfer Successful	Approving Supervisor 13248/RUSHMEYER, CARL	Approval Date 05/19/2006	Approval Time 06:00:31	
Complaint Requested X	Evidence X	Narrative X	Other Report X	Property Report X
Arrest Tab X				

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	Date of Birth
ARR	1	I	BRADFORD, ROBERT		W	M	
Invl	Invl No	Type	Name	MNI	Race	Sex	Date of Birth
VIC	1	I					

Summary Narrative

PLEO:

LT. Rushmeyer
LT. Vierra
CSI Anton
PSO Marines
PSO Fontaine
PSO Rose
PSO Klein

Scene Supervisor
Scene Supervisor
Fill Officer/ Evidence
Fill Officer
Fill Officer
Fill Officer
Fill Officer

No report
No report
Supplemental report
Supplemental report
No report
No report
No report

Summary:

On 5/18/06 at approximately 0349 hours, officers responded to 1220 Tasman #379 to conduct follow-up on associated CR # 06-5148. After making consensual entry into the house, (S) Robert Bradford (parolee at large) obstructed officers during their investigation. Bradford was arrested and subsequently transported to Santa Clara County Jail. Case is closed by arrest.

DEFENSE COPY

Notice of Confidentiality

Penal Code Section 1054.2

No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness unless specifically permitted by the court after a hearing and showing of good cause. Violation of PC1054.2 is a misdemeanor.

Report Officer 14954/HOLT, BENJAMIN	Printed At 11/30/2006 13:16	Page 1 of 5
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Incident Report**06-5149**Supplement No
ORIG**Sunnyvale Police Department****ARRESTEE 1: BRADFORD, ROBERT**

Involvement ARRESTEE	Invl No 1	Type Individual	Name BRADFORD, ROBERT	MNI [REDACTED]	Race WHITE	Sex MALE
Date of Birth [REDACTED]	Age [REDACTED]	Juvenile? [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair Color [REDACTED]	Eye Color [REDACTED]
Type HOME	Address [REDACTED]			City SUNNYVALE	State CALIFORNIA	
Type [REDACTED]	ID No [REDACTED]			OLS [REDACTED]		
Mark Type CHEST	- TATTOO			Mark Code TATTOO		
Description "Santa Clara"						
Relationship FRIEND	Name BUSH, JAMES			Sex MALE	Race WHITE	
Involvement ARRESTED	Arrest Type ARRESTED	Arrest Date 05/18/2006	Arrest Time 04:19:00	Booking No 06-1466	Book Date 05/18/2006	Book Time 04:28:00
Other Booking No 06033564	Status BOOKED	Dispo FELONY	Arrest Location 1220 TASMAN DR #379			
City SUNNYVALE	Rep Dist 22 / /	Beat 22	Fingerprint Taken? Yes	Mug? Yes		
Charge OUT/WA/F	Level F	Charge Literal OUTSIDE WARRANT FELO			Warrant No 2051249638	
Charge PC148 (A) (1)	Level M	Charge Literal RESISTING POLICE OFF				

VICTIM (Person) 1: STATE OF CALIFORNIA

Involvement VICTIM (Person)	Invl No 1	Type Individual	Name STATE OF CALIFORNIA	MNI 655580
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Narrative**Investigation:**

On 5/18/06 at approximately 0349 hours, I responded to 1220 Tasman #379 to conduct follow-up on CR # 06-5148.

Earlier on 5/18/06 at approximately 0213 hours, LT. Rushmeyer initiated a subject stop on Laurene Reber (DOB 12/15/1977) in the area of Tasman and Lawrence. Reber was loitering in a commercial business district with no explanation for being in the area. She was subsequently arrested for a violation of 11550 (a) HS- Under the Influence of a Controlled Substance. During the incident, Reber advised LT. Rushmeyer she was in the area with her boyfriend, Danny (unknown last name) prior to being contacted by police. Reber said Danny lived in a mobile home inside the Adobe Wells Mobile Home Park near unit #370. Reber requested we contact Danny at the unknown mobile home unit and verify the information she provided.

I recognized "Danny" as being the first name of a subject I had a prior contact with at 1220 Tasman #379 (Daniel Nabolitan DOB [REDACTED]). I recognized 1220 Tasman #379 as being associated with prior drug related incidents and arrests.

A wants/warrants check indicated Nabolitan had two misdemeanor warrants for his arrest.

Upon my arrival at 1220 Tasman #379, all the lights were on inside the mobile home indicating someone was awake inside the unit. CSI Anton was on scene as my fill officer.

I initiated a "Knock and Talk" by knocking on the west side door several times without an

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ORIG

Narrative

answer. CSI Anton and I began to walk away from the mobile home unit, after not receiving an answer at the door. As we were walking away we observed a vehicle pull up in front of the mobile home. CSI Anton immediately recognized the passenger inside the vehicle as the owner of the mobile home, James Bush. Bush advised CSI Anton, Daniel "Danny" Nabolitan was possibly inside his residence despite not being welcome. Bush provided CSI Anton with the keys to his mobile home and he requested we enter his residence and remove Nabolitan from the property. Bush advised CSI Anton there was an additional male subject named "Robert" inside the home (refer to CSI Anton's report for further details).

CSI Anton used the key to unlock the west side door. We entered the mobile home through the door and entered the laundry room. As we walked through the laundry room and entered the main hallway, we observed a male subject standing inside the open southeast bedroom doorway, approximately 10' feet away from us. The subject was wearing a black leather jacket and a black leather glove on his left hand; the subject's right hand was raised to chest level and concealed behind the doorway. It appeared the subject was clenching an unknown item behind the doorway. CSI Anton ordered the subject to show us his right hand. The subject became belligerent and uncooperative. The subject bent his knees and bladed his stance. The subject also clenched his left fist and raised it upwards in an aggressive manner. Based on my training and experience, the subject was positioned in a fighting stance. Based on my training and experience, hostile subjects who refuse to display their hand(s), are often in possession of a weapon. CSI Anton raised his voice and ordered the subject again to show us his right hand. The subject refused and he continued to ignore our orders. CSI Anton and I drew our handguns and placed the subject at gunpoint. CSI Anton ordered the subject several more times to remove his hand from behind the doorway, and the subject subsequently refused.

I requested code three fill officers respond to our location to assist.

During the incident, the subject yelled something similar to, I don't care if I die. Based on my training and experience, suicidal subjects often attack police officers with weapons in an effort to provoke the officers into using deadly force against them.

CSI Anton and I ordered the subject several more times to remove his right hand from behind the doorway. After ignoring several orders, the subject eventually lowered his right arm down towards the floor; his right hand was still concealed behind the doorway. I then heard the sound of an object dropping onto the floor. The subject then removed his right hand from behind the door.

The subject was ordered to get down onto his knees and face away from us. The subject ignored several orders before eventually complying. He was then ordered to crawl back to my new location in the front room at the north end of the hallway. The subject was subsequently ordered into a prone position and handcuffed. I checked his handcuffs for tightness and I double locked them.

The subject identified himself as (S) Robert Bradford [REDACTED]. A wants/warrants check indicated he was a parolee at large with a felony warrant for his arrest (warrant # [REDACTED]).

A consensual search of the residence for Daniel Nabolitan produced negative results.

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Narrative

An inspection of the area behind the doorway resulted in a 12" kitchen knife on the floor. There were no other items within approximately 3' feet of the knife behind the doorway.

I placed Bradford under arrest for the warrant and the above listed charge. I placed Bradford in the back seat of my patrol car and I transported him to Sunnyvale DPS HQ for booking.

PSO Marines placed James Bush under arrest for a violation of 11550 HS- Under the Influence of a Controlled Substance (refer to PSO Marines' supplemental report for further details).

While at Sunnyvale DPS HQ, I mirandized Bradford from my Sunnyvale DPS Miranda form (PS-323). Bradford stated he understood his rights and he provided me with the following paraphrased statement:

Statement of (S) Robert Bradford:

I asked Bradford why he was concealing the knife behind the doorway. He replied by telling me he did not have a knife concealed behind the doorway. I advised Bradford I did not think he was telling me the truth. Bradford replied by changing his original statement, and he told me he had the knife because he feared the police were working for an enemy who was out to get him.

I asked Bradford if he was planning on attacking officers with the knife during the incident. He replied by saying, No. Bradford advised me he ignored our orders because he was considering cutting himself with the knife.

Evidence:

License Medical Technologist Espinosa responded to Sunnyvale DPS HQ and obtained a blood sample from Bradford (refer to attached form).

CSI Anton recovered the knife from the scene and booked it into evidence at Sunnyvale DPS HQ (refer to CSI Anton's supplemental report).

Investigation Continued:

An inspection of Bradford's left arm indicated he had several minor self-inflicted cuts (as a result of a prior incident.) Bradford was placed on a 5150 WI 72-hour hold (refer to attached form).

A message was left with Bradford's parole agent (Agent Greg Strieff 408-629-5980), advising him of the arrest.

This report will be forwarded to the Santa Clara County District Attorney's Office for review and complaint against Bradford for the above listed charge.

Case Status:

Closed by arrest.

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ORIG

Narrative

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